## REMARKS/ARGUMENTS

This is a full and timely response to the non-final Office Action of January 12, 2004. Upon entry of this response, Claims 1-30 remain pending in the application. New Claims 24-30 have been added with this response.

### Information Disclosure Statement

On Page 2, Item 2 of the Office Action, the Examiner stated that the information disclosure statement filed July 2, 2003 in the Petition to Make Special fails to comply with 37 CFR §1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. The Examiner stated that the submission has been placed in the application file, but the information referred to therein has not been considered.

To correct any deficiencies pertaining to this Item, Applicant has included with this Response an information disclosure statement listing each of the publications disclosed in the July 2, 2003 Petition to Make Special. Consideration of these publications is requested.

### Rejection of Claims 1-3, 6-8, 15, 16, and 18-23 under 35 U.S.C. §102(e)

On Page 2, Item 3 of the Office Action, Claims 1-3, 6-8, 15, 16, and 18-23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. Re. 36,346 to Germain (the Germain patent).

In regard to Claim 1, the Office Action references several passages from the Germain patent, including column 2, lines 31-42, column 5, lines 1-27, Fig. 2(34), and Fig. 8, which are said to disclose the elements of Claim 1. Applicant has reviewed the cited passages and the Germain patent in general, and, based on this review, respectfully asserts that Germain does not anticipate Claim 1 of the present application.

Germain is generally directed to an interactive golf information system that can read marks recorded on a golf play recording card and generate golf play statistics and analysis based on the marks read from the card (col. 1, lines 11-17). A golfer uses these cards to record a single character for each golf stroke that is taken on each hole at a particular golf course (col. 9, lines

15-26). The individual character that marks each stroke is used to identify the particular golf club which was used for that shot, and the location of such character on the playing card is used to indicate the physical location on the actual course from which the shot was taken (col. 9, lines 27-32). Germain also discloses that the system can include a tee-time reservation mode (col. 10, lines 62-64).

In column 2, lines 31-42, Germain briefly mentions that the system includes an option which allows a golfer using the system to reserve a future tee time. In column 5, lines 1-27 and Fig. 2(34), Germain discloses a tee-time storage area (34) used for storing information that is associated with each tee-time reservation made by a golfer using the system. For each such reservation, the passage states that the information stored in the tee-time storage area (34) can include a date, time, number of people, and a phone number for at least one member of the golfing party. Thus, column 5, lines 1-27 and Fig. 2 (34) disclose only that the system can include a tee-time storage area (34) for storing golfer tee-time reservations. Similarly, Figure 8 in Germain discloses a method of reserving such tee times. As indicated by Figure 8, the method requires a user to select a particular golf course, as well as a particular time and date so that the system can determine if a desired tee time at such golf course is available.

Applicant respectfully submits that the passages cited by the Examiner do not disclose a system for posting available time slot information that comprises a hub web server adapted to serve web pages and to accept time slot information, and a web browser at each of a plurality of nodes, each web browser adapted to accept time slot information inputted by a network node user (e.g., a golf course), ... and to provide the time slot information to the hub web server. In fact, Germain makes no mention of how such tee times, made available to golfers, came to be made available to the system in the first place. Applicant respectfully submits that *Germain* does not anticipate Claim 1 and respectfully requests that the rejection of this claim be withdrawn.

Additionally, Claims 2, 3 and 6 presently stand rejected in the Office Action under 35 U.S.C. § 102(e) as anticipated by *Germain*. Claims 2, 3, and 6 depend from Claim 1 and include all of the limitations of that claim. Because Claim 1 is allowable for the reasons stated hereinabove, it is submitted that pending dependent Claims 2, 3 and 6 are also allowable as a

matter of law. Accordingly, Applicant respectfully requests that the rejections of Claims 2, 3, and 6 be withdrawn.

In regard to Claim 7, the Office Action alleges that Germain anticipates the element in Claim 7 reciting "a tee time reservations hub comprising a web server adapted to serve at least one course input web page comprising tee time availability information to respective golf course web browsers." In support of the allegation that Germain anticipates this element, the Office Action references Figure 8; column 1, lines 11-17; column 2, lines 31-42; column 5, lines 1-27; and column 6, lines 55-67 of the Germain patent. Applicant respectfully submits that these references, alone or in combination, do not disclose "a web server adapted to serve at least one course input web page comprising tee time availability information to respective golf course web browsers."

Referring to the Germain patent, Figure 8 discloses a method of reserving a tee time at a particular golf course, which is selected by a user in the first step of such process (142). However, Figure 8 does not disclose a web server adapted to serve at least one course input web page comprising tee time availability information to respective golf course web browsers. Column 1, lines 11-17 disclose that Germain is generally directed "to an interactive system for receiving, storing, analyzing and outputting information related to the game of golf, and, more particularly, to an interactive golf information system that can read marks recorded on a golf play recording card and generate golf play statistics and analysis based on the marks that are read," but makes no mention of a system or method for posting available time slots to a network hub. Furthermore, as described above, column 2, lines 31-42, and column 5, lines 1-27 disclose only that the system in Germain can include a capability that allows users (i.e., golfers) to make tee time reservations using the system disclosed, and if a golfer makes a reservation using such system, the golfer's tee time reservation information will be stored in the tee-time storage area (34). Similarly, column 6, lines 55-67 include only a brief statement indicating that "a golfer can use a phone or home computer to reserve a tee-time."

Applicant respectfully submits that these passages, alone or in combination, do not disclose a system for posting available golf tee times from a golf course to a reservations hub, which includes a tee time reservations hub comprising a web server that is adapted to *serve at*

*least one course input web page comprising tee time availability information to respective golf course web browsers*, or a plurality of *golf course web browsers* each adapted to browse the course input web page associated with the respective golf course and to provide *tee time availability inputs* to the tee time reservations hub through the golf course web browser. Accordingly, Applicant respectfully submits that Germain does not anticipate Claim 7 and respectfully requests that the rejection of this claim be withdrawn.

Additionally, Claim 8 presently stands rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Germain. Claim 8 depends from Claim 7 and includes all of the limitations of that claim. Because Claim 7 is allowable for the reasons stated hereinabove, it is submitted that pending dependent Claim 8 is also allowable as a matter of law. Accordingly, Applicant respectfully requests that the rejection of Claim 8 be withdrawn.

In regard to Claim 15, the Office Action alleges that Germain anticipates the element in Claim 15 reciting "at the tee time reservations hub, receiving a web page request from a golf course web browser." Applicant respectfully submits that Figure 8, and the Germain patent in general, make no mention of receiving a web page request from a *golf course web browser*. The Office Action also alleges that Germain anticipates the remaining elements of Claim 15, which recite: "in response to the web page request, serving a tee time posting page comprising a list of future tee times at the respective golf course and a tee time input interface; and receiving, from the tee time input interface via the golf course web browser, a posting input indicating which elements in the list of future tee times are to be available to the tee time reservations hub." In support of the allegation that Germain anticipates these elements, the Office Action references Figure 8; column 2, lines 31-42; column 4, lines 45-65; column 5, lines 1-27; and column 11, lines 47-column 12, line 8 of the Germain patent. Applicant respectfully submits that these references, alone or in combination, do not disclose the remaining elements of Claim 15 recited above.

Figure 8, along with column 11, lines 47 thru column 12, line 8, which describe Figure 8, disclose a method of reserving a tee time at a particular golf course, which is selected by the user in the first step of such process (142). However, Figure 8 and its related description does not disclose any of the elements of: receiving a web page request *from a golf course web browser*; in

response to the web page request, *serving a tee time posting page* comprising a *list of future tee times at the respective golf course* and a tee time input interface; and posting input indicating which elements in the list of future tee times *are to be available to the tee time reservations hub.* Also, as described above, column 2, lines 31-42, and column 5, lines 1-27 disclose only that the system in Germain can include a capability that allows users (i.e., golfers) to make tee time reservations using the system, and if a golfer makes a reservation using such system, the golfer's tee time reservation information will be stored in the tee-time storage area (34). Finally, column 4, lines 45-65 provides a high level description of the elements of an interactive golf game information system including a computer having a CPU (10), and memory (12) for storing a variety of things including ... data such as weather conditions, course conditions, golfers playing data, and tee-to-pin distances, but makes no mention of a method (or system) for posting available golf tee times by a golf course to a tee times reservations hub.

Applicant respectfully submits that the above passages do not disclose a method for posting available golf tee times *by a golf course to a tee time reservations hub*, comprising receiving at the tee time reservations hub a web page request from a golf course web browser; in response to the web page request, serving a tee time posting page comprising a list of future tee times at the respective golf course and a tee time input interface; and receiving, from the tee time input interface via the golf course web browser, a posting input indicating which elements in the list of future tee times are to be available to the tee time reservations hub. Accordingly, Applicant respectfully submits that Germain does not anticipate Claim 15 and respectfully requests that the rejection of this claim be withdrawn.

Additionally, Claims 16 and 18-20 presently stand rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Germain. Claims 16 an 18-20 depend from Claim 15 and include all of the limitations of that claim. Because Claim 15 is allowable for the reasons stated hereinabove, it is submitted that pending dependent Claims 16 and 18-20 are also allowable as a matter of law. Accordingly, Applicant respectfully requests that the rejection of Claims 16 and 18-20 be withdrawn.

By the present Amendment, the system of Claim 21 has been amended to recite the additional limitation that "said web server [is] adapted to serve said web page [comprising tee

time availability information] without requiring a prospective golfer to first provide input indicating a particular golf course or a particular time of day." This amendment to Claim 21 emphasizes that the present invention does not require the golfer to undertake an elaborate database query to "zero in" on a desired tee time. In contrast, in the Germain patent, the system requires a golfer making a tee time reservation to first enter or "select a desired golf course, step 142," and "once a course is selected, the system will prompt the golfer to select a date and time, step 144," for a desired tee time (col. 11, lines 48-54).

Germain further discloses that "once all of the pertinent information has been entered by a golfer, the system will prompt a golfer to certify that the information the system has for the tee-time reservation request is accurate, step 148, [and] ... if the information is correct, the system communicates with memory 12 to determine if the desired tee time [at the desired golf course] is available, step 150" (col. 11, lines 57-65). Applicant further submits that in describing such system, Germain does not disclose a tee time reservations hub that includes a *hub web server* adapted to serve at least one tee time web page, and a plurality of golfer web browsers each adapted to browse the tee time web page. Rather, Germain discloses a system that includes a tee-time reservation mode in which tee time reservation information is stored in a data storage area (34). Accordingly, Applicant respectfully submits that Germain does not anticipate Claim 21 and respectfully requests that the rejection of this claim be withdrawn.

Additionally, Claims 22-23 presently stand rejected in the Office Action under 35 U.S.C. § 102(e) as being anticipated by Germain. Claims 22-23 depend from Claim 21 and include all of the limitations of that claim. Because Claim 21 is allowable for the reasons stated hereinabove, it is submitted that pending dependent Claims 22-23 are also allowable as a matter of law. Accordingly, Applicant respectfully requests that the rejection of Claims 22-23 be withdrawn.

**Response to Rejections under 35 U.S.C. §103(a)**

On Page 6, Item 4 of the Office Action, dependent Claims 4, 5, 9-14 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Germain as applied to independent Claims

1, 7, and 15 in view of www.linkstime.com (hereafter 'Linkstime'). Applicant respectfully traverses these rejections.

**A Prima Facie Case of Obviousness has Not Been Established**

To establish a prima facie case of obviousness, three basic criteria must be met. These criteria are as follows: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2143.

For the reasons set forth below, applicants respectfully assert that, in this case, the Examiner has failed to present any basis for the existence of elements (1) and (3) listed above.

**No Suggestion or Motivation in the Prior Art Exists for Combining the Cited References**

As indicated by the Federal Circuit, an Examiner can combine references to establish a proper obviousness rejection, but may do so "only by showing some objective teaching [leading to the combination]" *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1998). The teaching or suggestion to make the claimed combination must be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Therefore, combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability. That is the essence of improper hindsight reasoning. *See*, e.g., *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). The range of sources available as evidence of motivation can flow from the prior art references themselves, or from one of ordinary skill in the art. The showing of motivation, however, *must be clear and particular*. *See*, e.g., *C.R. Bard, Inc. v. M3 Sys., Inc.*,157 F.3d 1340, 1352 (Fed. Cir. 1998). Thus, broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." *See*, e.g., *McElmurry v. Arkansas Power & Light Co.*, 995 F.2d 1576, 1578, 27 USPQ2d 1129, 1131 (Fed. Cir. 1993). It is *improper* to base this reasoning,

not on the level of ordinary skill in the art at the time the invention was made, but upon *knowledge gleaned from the applicants' disclosure. See In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971); MPEP §2145.

Applicants respectfully submit that the Office Action does not provide sufficient bases for the existence of an objective suggestion, teaching, or motivation to make the hypothetical combinations found in the Office Action. The broad conclusory statements presented in the Office Action do not constitute evidence in this regard, and, as such, applicants respectfully submit that the combinations presented in the Office Action were reached through improper hindsight reasoning. For this reason, applicants respectfully request that the rejections be withdrawn.

**The Prior Art References Do Not Teach All of the Limitations of Applicants' Claims**

Applicants further submit that the Office Action also does not satisfy the third required element of a prima facie case of obviousness. More particularly, the prior art references do not teach all of the limitations of Applicant's Claims.

In the Office Action, Claims 4, 5, 9-14, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Germain as applied to Claims 1, 7, and 15 in view of www.linkstime.com (Linkstime).

For the reasons set forth above in regard to Claim 1, Applicant respectfully submits that the Germain patent does not teach or suggest the present invention as recited in Claim 1. Furthermore, Linkstime fails to disclose the deficiencies of the Germain patent because it fails to teach or disclose a system for posting available time slot information to a network hub, comprising a hub web server, and a web browser at a plurality of network nodes (e.g., golf courses) adapted to accept available time slot information and provide such available time slot information to the hub web server, as recited in Claim 1. Accordingly, neither the Germain patent nor Linkstime, nor the combination thereof, disclose these features of the claimed invention.

Claims 4 and 5 depend directly from Claim 1 and include all of the limitations of that Claim. Thus, because Linkstime fails to disclose the deficiencies of the Germain patent noted

above with respect to the rejection of Claim 1, it is submitted that Claims 4 and 5 patentably distinguish over the prior art. Accordingly, applicants respectfully request that the rejection of Claims 4 and 5 be withdrawn.

Also, for the reasons set forth above in regard to independent Claim 7, Applicant respectfully submits that the Germain patent does not teach or suggest the present invention as recited in Claim 7. Furthermore, Linkstime fails to disclose the deficiencies of the Germain patent because it fails to teach or disclose a system for posting available golf tee times from a golf course to a reservations hub, comprising a web server adapted to serve at least one course input web page comprising tee time availability information to respective golf course web browsers, as recited in Claim 7. Accordingly, neither the Germain patent nor Linkstime, nor the combination thereof, disclose this and other features of the claimed invention.

Claims 8-14 depend directly from Claim 7 and include all of the limitations of that Claim. Thus, because Linkstime fails to disclose the deficiencies of the Germain patent noted above with respect to the rejection of Claim 7, it is submitted that Claims 8-14 patentably distinguish over the prior art. Accordingly, applicants respectfully request that the rejection of Claims 8-14 be withdrawn.

Additionally, for the reasons set forth above in regard to independent Claim 15, Applicant respectfully submits that the Germain patent does not teach or suggest the present invention as recited in Claim 15. Furthermore, Linkstime fails to disclose the deficiencies of the Germain patent because it fails to teach or disclose a method for posting available golf tee times by a golf course to a tee time reservations hub, the method comprising the steps of receiving a web page request at the tee time reservations hub from a golf course web browser; in response to the web page request, serving a tee time posting page comprising a list of future tee times at the respective golf course and a tee time input interface; and receiving, from the tee time input interface via the golf course web browser, a posting input indicating which elements in the list of future tee times are to be available to the tee time reservations hub, as recited in Claim 15. Accordingly, neither the Germain patent nor Linkstime, nor the combination thereof, disclose these features of the claimed invention.

Claim 17 depends directly from Claim 15 and includes all of the limitations of that Claim. Thus, because Linkstime fails to disclose the deficiencies of the Germain patent noted above with respect to the rejection of Claim 15, it is submitted that Claim 17 patentably distinguishes over the prior art. Accordingly, applicants respectfully request that the rejection of Claim 17 be withdrawn.

**New Claims 24-30 are patentable over the cited references**

Claim 24 is added by this amendment. Newly added Claim 24 depends directly from Claim 21, and, therefore, includes additional limitations that further define the invention over the cited references. Accordingly, allowance of newly added Claim 24 is respectfully requested.

Claim 25 is added by this amendment. Independent Claim 25 recites the element of "serving a web page used to generate a display of tee times for at least one golf course on a web browser, the tee times in the display being a subset of the tee times available at the at least one golf course." Since neither Germain nor Linkstime teach or suggest serving a web page comprising a subset of tee times available at at least one golf course, independent Claim 25 is patentable over Germain, Linkstime and any combination thereof. Thus, allowance of newly added independent Claim 25 is respectfully requested.

Newly added Claim 26 depends directly from Claim 25, and, therefore, includes additional limitations that further define the invention over the cited references. Accordingly, allowance of newly added Claim 26 is respectfully requested.

Claim 27 is added by this amendment. Independent Claim 27 recites the element of "a web server adapted to serve, to a plurality of golfer web browsers, at least one tee time web page comprising tee time availability information associated with each of a plurality of golf courses," and that "said web server [is] adapted to display on a single web page a subset of available tee times for each of a plurality of golf courses, so that prospective golfers viewing said single web page can select and reserve any of the tee times associated with each of said golf courses displayed on said single web page." Since neither Germain nor Linkstime teach or suggest these limitations, independent Claim 27 is patentable over Germain, Linkstime and any combination thereof. Thus, allowance of newly added independent Claim 27 is respectfully requested.

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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Newly added Claim 28 depends directly from Claim 27, and, therefore, includes additional limitations that further define the invention over the cited references. Accordingly, allowance of newly added Claim 28 is respectfully requested.

Claim 29 is added by this amendment. Independent Claim 29 recites the elements of "receiving at a hub web server a particular date for which available golf tee times are to be displayed," and "displaying on a single web page a subset of available tee times for each of a plurality of golf courses, so that prospective golfers viewing said single web page can select and reserve any of the tee times associated with each of the plurality of golf courses displayed on said single web page." Since neither Germain nor Linkstime teach or suggest a method comprising these steps, independent Claim 29 is patentable over Germain, Linkstime and any combination thereof. Thus, allowance of newly added independent Claim 29 is respectfully requested.

Newly added Claim 30 depends directly from Claim 29, and, therefore, includes additional limitations that further define the invention over the cited references. Accordingly, allowance of newly added Claim 30 is respectfully requested.

Applicant further submits with this amendment the additional fee and Fee Transmittal Form associated with the newly added claims included herein.

**Conclusion**

In view of the remarks presented above, it is respectfully submitted that Claims 1-23 and new Claims 24-30 of the present application are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued in due course. If the Examiner has any questions regarding the subject application, the Examiner is requested to contact the undersigned at the telephone number provided below.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required